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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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8 UNITED STATES OF AMERICA, )

2:11-CR-00452-PMP-CWH

9 Plaintiff, )

10 vs. )

**ORDER**

11 THERESA MARCIANTI, )

12 Defendant. )  
\_\_\_\_\_

13 Before the Court for consideration is Plaintiff United States' Motion to Exclude  
14 Defendant Marcianti's Experts (Doc. #52). Having considered the arguments of counsel  
15 presented on the briefs, and at the hearing conducted April 18, 2013, the Court finds  
16 Plaintiff's motion is moot as to expert witnesses Dwayne Morgan and Judy Lydick because  
17 counsel for Defendant has advised that Defendant will not seek to present expert testimony  
18 from these witnesses at trial.

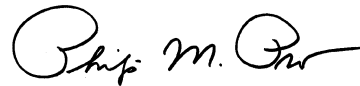
19 The Court further finds that Plaintiff United States' motion must be granted as to  
20 Defendant's proposed expert witnesses Ronald Bloecker. Defendant has failed to  
21 demonstrate the basis for any opinions of Mr. Bloecker which would be helpful to the trier  
22 of fact in deciding issues in this case.

23 Finally, the Court finds the record is insufficient to determine whether  
24 Defendant's proposed expert Ronald Weiss should be permitted to testify at trial. The  
25 Court concludes that it is instead appropriate to deny Plaintiff's motion to exclude  
26 Defendant's expert Ronald Weiss without prejudice to renew that motion in

1 the event Defendant seeks to offer the testimony of Ronald Weiss in Defendant's case in  
2 chief at trial. In this regard, counsel for Defendant is admonished that he shall not reference  
3 the expert testimony of Ronald Weiss in opening statement on behalf of Defendant, and that  
4 prior to calling Ronald Weiss as an expert witness on behalf of Defendant at trial, counsel  
5 for Defendant shall first advise counsel for Plaintiff United States and the Court of his  
6 intention to do so so the Court may at trial determine whether a *Daubert* hearing outside the  
7 presence of the jury should first be conducted before Mr. Weiss is permitted to testify in  
8 front of the jury.

9 **IT IS THEREFORE ORDERED** that Plaintiff United States' Motion to  
10 Exclude Defendant Marcianti's Experts (Doc. #52) is GRANTED and DENIED to the  
11 extent provided above.

12 DATED: July 29, 2012.

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15 PHILIP M. PRO  
16 United States District Judge  
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